

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KUDSK CONSTRUCTION, INC.,
a California corporation,

No. C 11-05400 WHA

Plaintiff,

v.

**ORDER STAYING ACTION AND
SETTING DATE FOR FURTHER CASE
MANAGEMENT CONFERENCE**

FIRST SEALORD SURETY, INC.,
a Pennsylvania Corporation,

Defendant.

Defendant First Sealord Surety, Inc., filed a notice stating that pursuant to an order from the Commonwealth Court of Pennsylvania, a stay of all proceedings against First Sealord Surety, Inc., was ordered (Dkt. No. 15). An order issued instructing both parties to file statements as to whether or not a state court can stay a federal action and if not whether the request for stay should be honored as a matter of comity. The order also instructed the parties to advise how long the stay would last. Defendant submitted a response. Plaintiff did not.

As a matter of comity, this action will be **STAYED** until **AUGUST 9, 2012**. A further case management conference will be held at **11 A.M. ON AUGUST 9**. At that time, if satisfactory progress has not been made in the Pennsylvania proceedings, the Court will consider lifting the stay. Defendant indicated in its submission that “the Commonwealth Court has . . . directed [plaintiff] to pursue its claims within the proof of claims process in the Commonwealth Court of

Pennsylvania” (Dkt. No. 17 at 6–7). Plaintiff must move with alacrity in prosecuting this action in the Pennsylvania forum.

IT IS SO ORDERED.

Dated: March 26, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE